IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2221 OF 2004

Ravi Baburao Besane ... Petitioner

versus

The State of Maharashtra & ors. ... Respondents

...

Mrs. Smita R. Kadu-Gavai, for the Petitioner.

Mr.B.H. Mehta, A.P.P., for the Respondents.

...

CORAM : A.M.KHANWILKAR,J.

22nd February 2005

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Mehta, A.P.P., waives notice for the Respondents. As short question is involved, petition is taken up for final disposal forthwith by consent.

2. This petition takes exception to the order passed by the Personal Assistant to the

Deputy Inspector-General of Prisons, Western Division, Pune, dated March 31, 2004, rejecting the application submitted by the Petitioner to be released on furlough leave. No specific reason has been assigned, except that the application so presented by the Petitioner is rejected with further observation that the Petitioner be asked to file fresh application.

3. This is no way of disposing of the application for furlough leave preferred by the prisoner. The authority is expected to apply its mind and record tangible reasons, much less available under the Rules, amongst others, Rule 4, so as to deny the relief of furlough leave to the concerned prisoner. That has not been done in the present case. Learned A.P.P., for the Respondents, however, submits that there is report on record, which would justify the action of the authorities. However, that is not the reason communicated in the impugned order. It is not possible for this Court to assume the reason which weighed with the authority in rejecting the application. The only course open is to set aside the impugned order and restore the

application originally filed by the Petitioner for furlough leave, which will have to be decided on its own merits in accordance with law. That application be disposed of as expeditiously as possible and, in any case, not later than four weeks from today. Petition allowed on the above terms.

(A.M.KHANWILKAR,J.)